

Camden County Board of Commissioners

Regular Meeting

April 21, 2008

7:00 P.M.

**Historic Courtroom, Courthouse Complex
Camden, North Carolina**

MINUTES

The regular meeting of the Camden County Board of Commissioners was held on Monday, April 21, 2008 at 7:00 p.m. in the Historic Courtroom, Camden, North Carolina. The following members were present:

Chairman Jeffrey B. Jennings

Vice Chairman Philip Faison

Commissioners Melvin J. Jeralds, Sandy Duckwall and Mike Andrews

Chairman Jeffrey Jennings called the meeting to order and called upon Commissioner Sandy Duckwall to give the invocation and lead those present in the Pledge of Allegiance.

PRESENTATION - Chris Lowie – Great Dismal Swamp National Wildlife Refuge

The U.S. Fish and Wildlife Service propose to acquire 1,545 acres of land to add to the Great Dismal Swamp Refuge, which is known as the Weeks Property, to protect important wildlife habitat. Adjacent land owners have been notified. A 339 acre portion of this parcel is outside of the approved acquisition boundary for the refuge. The property abuts the south end of the refuge, and borders the Pasquotank River. Mr. Lowie stated that Federal law requires the Wildlife Service to receive public comments before acquiring the land.

Chairman Jeffrey Jennings called for any questions from the public.

Hearing no comments or questions, Chairman Jeffrey Jennings thanked Mr. Lowie for his presentation.

Public Comments

Robert Gower, 117 Carolina Road, spoke in opposition of the \$10,249.00 impact fee that came into effect as of April 2, 2008.

Consideration of Agenda

Chairman Jeffrey Jennings added *Item 6. New Business, C. Community Park Flag Pole* to the agenda.

Commissioner Melvin Jeralds made a motion to approve the agenda as amended. The motion passed with Commissioners Melvin Jeralds, Philip Faison, Sandy Duckwall, Mike Andrews and Chairman Jeffrey Jennings voting aye, no Commissioner voting no; no Commissioner absent; and no Commissioner not voting.

Consent Agenda

Commissioner Sandy Duckwall made a motion to approve the consent agenda as presented. The motion passed with Commissioners Melvin Jeralds, Philip Faison, Sandy Duckwall, Mike Andrews and Chairman Jeffrey Jennings voting aye, no Commissioner voting no; no Commissioner absent; and no Commissioner not voting.

- Consent Agenda

Budget Amendment – 2007-08-BA019

2007-08-BA019
CAMDEN COUNTY BUDGET AMENDMENT

BE IT ORDAINED by the Governing Board of the County of Camden, North Carolina that the following amendment be made to the annual budget ordinance for the fiscal year ending June 30, 2008.

Section 1. To amend the Community Park Trust Fund as follows:

ACCT NUMBERDESCRIPTION OF ACCT		INCREASE	AMOUNT DECREASE
Expenses:			
656130-566000	Capital Outlay Inventory	\$6,400.00	
656130-599900	Fund Reserves		\$6,400.00

Funds for moving ball fields and making gates to the fields accessible to the parking lot.

This will result in a decrease of \$ 0.00 in the Contingency of the General Fund.

Balance in Contingency \$44,508.00

Section 2. Copies of this budget amendment shall be furnished to the Clerk to the Governing Board, and to the Budget Officer and the Finance Officer for their direction. Adopted this 21st day of April, 2008.

Clerk to Board of Commissioners

Chairman, Board of Commissioners

Budget Amendment – 2007-08-BA020

2007-08-BA020
CAMDEN COUNTY BUDGET AMENDMENT

BE IT ORDAINED by the Governing Board of the County of Camden, North Carolina that the following amendment be made to the annual budget ordinance for the fiscal year ending June 30, 2008.

Section 1. To amend the General Fund as follows:

ACCT NUMBER	DESCRIPTION OF ACCT	AMOUNT	
		INCREASE	DECREASE
Revenues:			
10360400-434814	NC DENR FUNDS	\$9,300.00	
Expenses:			
104900-552010	Stream Restoration	\$9,300.00	

Final phase of Hurricane Isabel Emergency Stream Restoration.

This will result in a decrease of \$ 0.00 in the Contingency of the General Fund.

Balance in Contingency \$44,508.00

Section 2. Copies of this budget amendment shall be furnished to the Clerk to the Governing Board, and to the Budget Officer and the Finance Officer for their direction. Adopted this 7^{21st} day of April, 2008.

Clerk to Board of Commissioners

Chairman, Board of Commissioners

Tax Collection Report – March 2008 in the amount of \$207,474.10.

Refunds To Be Issued By Finance Office in the amount of \$257.43.

Resolution No. 2008-04-02 – A Resolution of the Camden County Board of Commissioners Regarding The Secondary Road Program

Resolution No. 2008-04-02

**A RESOLUTION OF THE
CAMDEN COUNTYBOARD OF COMMISSIONERS
REGARDING THE SECONDARY ROAD PROGRAM**

WHEREAS, the NC General Assembly passed House Bill 1513 during the 2007 session, and
WHEREAS, HB 1513 allows counties to “voluntarily” participate in the costs of transportation projects, and
WHEREAS, since 1931 the State of North Carolina has had a model system of constructing, improving and maintaining interstate, primary, and secondary roads, and
WHEREAS, the 21st Century Transportation Committee and the Transportation Oversight Committee are considering diverting all Secondary Road Program funding to the Primary Road Program, and
WHEREAS, diverting Secondary Road Program funding will leave no funding to pave and improve secondary roads, and
WHEREAS, some county officials have been invited to participate in the discussion this transfer with certain state officials and committees.
NOW THEREFORE BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF CAMDEN COUNTY THAT:

1. It strongly opposes the transfer of Secondary Road Program funding to the Primary Road Program or any other program that will reduce funding for secondary road construction, improvement, and maintenance.
2. It strongly opposes any efforts by the General Assembly or NCDOT to shift any transportation costs formerly paid by the State to counties.
3. It strongly opposes any efforts by the General Assembly to appropriate local revenues whether property tax, sales tax, or any other local revenue for State transportation programs or any other State programs.
4. It strongly urges all counties to be fully aware and concerned that any invitation to participate in discussions of transportation needs may lead to an indirect appropriation of local funds.
5. It strongly urges all counties to contact the NC Association of County Commissioners and direct it to oppose any efforts to transfer the funding of any State programs to counties.
6. That a copy of this resolution be sent to each county in the State.
7. That copies of this resolution are sent to Camden County’s representative in the NC General Assembly along with each and every Commissioner’s heartfelt concern about the transfer of this and future state costs to counties.

ADOPTED this the 21st day of April, 2008.

(SEAL)

Jeffrey B. Jennings, Chairman
Camden County Board of Commissioners

ATTEST:

Ava J. Gurganus, Clerk to the Board

- End of Consent Agenda

Old Business - Consideration of Revised Sketch Plan for “The Reserve at Wharf’s Landing – 117 Lot Major Subdivision – UDO 2007-10-08

Planning Director Dan Porter stated this matter was discussed and laid over at the April 7, 2008 Commissioners meeting. At the Commissioners meeting on January 22, 2008 a Public Hearing was held on Camden Square and Associates rezoning and a Public Meeting was held on the Sketch Plan for The Reserve at Wharfs Landing. Both applications were tabled until the February 18, 2008 meeting where rezoning application failed due to no motion being taken. The Sketch Plan was not acted on as it did not meet current zoning standards.

A revised Sketch Plan for the Reserve at Wharfs Landing with updated staff’s Findings of Facts for the portion of the property that is currently zoned Basic Residential (R3-1) was presented to the Board. All recommendations listed in the Findings of Facts were based on Planning Board input and input received from citizens and the Commissioners at the public meeting.

At the February Planning Board meeting staff asked the Planning Board if they desired to see the updated Sketch Plan. The consensus was that since they had recommended the

overall plan, their recommendation for approval should stand for an amended plan that eliminates the property not approved for rezoning, and does not propose major modifications to design.

The applicant submitted a written response to the recommendations added to the Finding of Facts based on public input received at the public meeting.

Attorney John Morrison advised that nothing is vested by the developer at this point and this is only a sketch plan approval, not a project approval, and approval allows the developer to go forward at their own risk to pursue a preliminary plat.

Commissioner Mike Andrews expressed his interest in the following conditions:

1. Based on Health Department letter and in accordance with Article 151.233, applicant shall provide at Preliminary Plat approval letter for on site septic systems from Albemarle Regional Health Services for all lots.
2. Prior to submission of Preliminary Plat application applicant shall have an approval letter from South Mills Water Association for the provision of water.
3. Prior to preliminary plat all roads in the existing Wharfs Landing (Phases I, II and III) shall be accepted by NCDOT under state maintenance.
4. Commercial development shall be addressed at preliminary plat.
5. Applicant shall address impacts on County services (i.e. school, fire, and police) at preliminary plat.
6. In accordance with Article 151.171, dry water lines are to be fully installed for future connection to South Mills Water Association.
7. In accordance with Article 151.232(I), applicant shall provide recreational land and recommend include play ground and equipment, park benches, gazebos and picnic tables.
8. Recommend coordinate with Camden County Schools Transportation Director for the placement of bus stops through out the development.

Commissioner Melvin Jeralds expressed his interest in regards to the *Findings of Facts* recommendations and stated that he would like to see the four (4) acres recreation land instead of paying the county for the recreational land.

Commissioner Philip Faison expressed his concurrence with the developer in regards to the *Findings of Facts* recommendations of the layout of the roads and possible safety concerns recommendation that the proposed phasing start at the rear of the property and work forward.

Commissioner Mike Andrews made a motion to approve the revised sketch plan UDO 2007-10-08 for the Reserve at Wharf's Landing. The motion passed with Commissioners Melvin Jeralds, Philip Faison, Sandy Duckwall, Mike Andrews and Chairman Jeffrey Jennings voting aye, no Commissioner voting no; no Commissioner absent; and no Commissioner not voting.

Public Hearing - Ordinance No. 2008-04-02 – An Amendment to the Camden County Zoning Map – UDO 2008-03-95 – Linton

Commissioner Sandy Duckwall made a motion to go into public hearing to receive comments from the public regarding Ordinance No. 2008-04-02. The motion passed with Commissioners Melvin Jeralds, Philip Faison, Sandy Duckwall, Mike Andrews and Chairman Jeffrey Jennings voting aye, no Commissioner voting no; no Commissioner absent; and no Commissioner not voting.

Planning Director Dan Porter stated the applicant, Melissa Linton, is requesting to down zone property from Highway Commercial to Basic Residential R-1, for the purpose of constructing single family homes. The property is located at 131 Cool Breeze Place. Current commercial zoning prohibits the use of the property as residential thus the rezoning application

The property was previously rezoned to Highway Commercial due to its adjacency and access to US 17 and the intersection with Horseshoe Road; the need for commercial

development along accessible highway corridors; as well as the proximity to the South Mills Community Core area. The requested R-1 zone would permit single family, modular, stick built homes, and single and double wide manufactured homes on 40,000 sq. ft. lots.

As reflected by the applicants' request and reasoning behind the previous rezoning action, the property in question is attractive for either or both residential and commercial uses.

In November 2003 the Commissioners placed a moratorium (subsequently amended) on all subdivision of land until April 3, 2007. During this timeframe Planning Board and staff reviewed Article 151 (Unified Development Ordinance) and proposed minor and major amendments to the ordinance and zoning maps. Proposed in the major amendments (Ordinance No. 2007-02-02) was the establishment of a new zoning district (R4X) located within the core villages of South Mills, Courthouse, and Shiloh Townships. The new district would permit commercial and residential uses (less singlewide and doublewide mobile homes) which would have enabled applicant to use their property as residential. Proposed amendments were denied by the Commissioners.

Due to time constraints with application (public hearing set by Board of Commissioners for April 21, 2008) notification letter and Staff *Findings of Facts* sent to applicant prior to completion of this summary. As noted in the *Findings of Facts*, staff has recommended denial of R1 zoning request and approval of an R3 zoning. After further deliberation, staff is recommending denial of rezoning to R-1 and recommended approval of amending Article 151.030 (Zoning Districts) and Article 151.334 (Table of Permissible Uses) to establish R4X zoning district and rezone property to R4X.

The Planning Board's recommendation was to rezone the property to R-1.

Commissioner Philip Faison asked the Linton family if anyone in their family had any intention of putting a single wide mobile home on the property.

Jason Weeks, 119 Cool Breeze Place, stated he and his wife could not afford to start out living in a stick built house or modular and currently live in a single wide trailer on the property. Mr. Weeks stated that when he recently applied for a building permit, he found out the property was zoned Highway Commercial. The family is asking for R-1 for the fact that several lots are in the name of younger people and one day those younger people are going to need a start and thinks it is unfair to place a restriction on the younger people to put a stick built house on their lot. The other family members are in agreement with having single wide mobile homes on the property and the family is asking the Commissioners to be in agreement with it also.

Commissioner Philip Faison made a motion to close public hearing regarding Ordinance No. 2008-04-02. The motion passed with Commissioners Melvin Jeralds, Philip Faison, Sandy Duckwall, Mike Andrews and Chairman Jeffrey Jennings voting aye, no Commissioner voting no; no Commissioner absent; and no Commissioner not voting.

Amendment To Agenda

Chairman Jeffrey Jennings added Ordinance No. 2008-04-02 to *Item 6. New Business, D. Consideration of Ordinance No. 2008-04-02.*

Commissioner Mike Andrews made a motion to approve the agenda as amended. The motion passed with Commissioners Melvin Jeralds, Philip Faison, Sandy Duckwall, Mike Andrews and Chairman Jeffrey Jennings voting aye, no Commissioner voting no; no Commissioner absent; and no Commissioner not voting.

New Business - Mosquito Control Contract

Commissioner Sandy Duckwall made a motion to approve the Mosquito Control Contract from the Albemarle Regional Health Department. The motion passed with Commissioners Melvin Jeralds, Sandy Duckwall, Mike Andrews and Chairman Jeffrey

Jennings voting aye, Commissioner Philip Faison voting no; no Commissioner absent; and no Commissioner not voting.

New Business - Property Tax Refund Request - Herbert Lee Byrum

Commissioner Philip Faison made a motion to approve the property tax refund request for Herbert Lee Byrum in the total amount of \$722.83 as submitted by the Tax Administrator. The motion passed with Commissioners Melvin Jeralds, Philip Faison, Sandy Duckwall, Mike Andrews and Chairman Jeffrey Jennings voting aye, no Commissioner voting no; no Commissioner absent; and no Commissioner not voting.

New Business – Community Park Flag Pole Installation Location Proposal

The Camden Babe Ruth League has purchased a 50' brushed aluminum flagpole valued at approximately \$4,000.00. The league would like to install this pole at the Community Park. Ambrose Signs will be contracted by the league to do the installation at no expense to the county. Currently the county does not have a flagpole at this facility.

Commissioner Mike Andrews made a motion to approve the installation of the 50' flag pole at the Camden Community Park. The motion passed with Commissioners Melvin Jeralds, Philip Faison, Sandy Duckwall, Mike Andrews and Chairman Jeffrey Jennings voting aye, no Commissioner voting no; no Commissioner absent; and no Commissioner not voting.

New Business – Consideration of Ordinance No. 2008-04-02 - An Amendment to the Camden County Zoning Map – UDO 2008-03-95 – Linton

Commissioner Mike Andrews made a motion to approve Ordinance No. 2008-04-02 to include the rezoning for all those who signed the petition and adopt the following statement: The inconsistency in this case is justified due to the lack of infrastructure to support the existing commercial zoning; the consistency of the request among the individual property owners owning significant amount of contiguous parcels; and, the circumstances involved in previous rezoning to Highway Commercial of a tract of land that was subdivided for the purpose of a family subdivision. The motion passed with Commissioners Melvin Jeralds, Philip Faison, Sandy Duckwall, Mike Andrews and Chairman Jeffrey Jennings voting aye, no Commissioner voting no; no Commissioner absent; and no Commissioner not voting.

Ordinance No. 2008-04-02

**An Ordinance
Amending the Camden County
Zoning Map
Camden County, North Carolina**

Article I: Purpose

The purpose of this Ordinance is to amend the Zoning Map of Camden County, North Carolina, which was originally adopted by the County Commissioners on December 20, 1993, and subsequently amended.

Article II. Amendment to Zoning Map

The Official Zoning Map of Camden County, North Carolina, which was adopted on December 20, 1993, and subsequently amended, is hereby amended as follows:

The properties currently shown in the Camden County Tax Assessor's Office as PIN 01-7989-03-20-2738, 01-7989-03-20-0792, 01-7989-03-21-4337, 01-7989-03-21-3193, 01-7989-03-21-4577, 01-7989-03-21-0504, 01-7989-03-21-4788, 01-7989-03-22-0096, 01-7989-03-21-3924, 01-7989-03-21-9280, 01-7989-03-21-9335, 01-7989-03-12-9105, 01-7989-03-10-4601, and 01-7988-00-29-3413 are hereby re-zoned from Highway Commercial (HC)/Mixed Single Family Residential (R2) to Mixed Village Residential (R1).

Article III. Penalty

1. Violations of the provision of this Ordinance or failure to comply with any of its requirements, including violations of any conditions and safeguards established in connection with grants of variances or Special Use or Conditional Use Permits, shall constitute a misdemeanor, punishable by a fine of up to five-hundred (\$500) dollars or a maximum thirty (30) days imprisonment as provided in G. S. 14-4.
2. Any act constituting a violation of the provisions of this Ordinance or a failure to

comply with any of its requirements, including violations of any conditions and safeguards established in connection with the grants of variances or Special Use or Conditional Use Permits, shall also subject the offender to a civil penalty of one-hundred (\$100) dollars for each day the violation continues. If the offender fails to pay the penalty within ten (10) days after being cited for a violation, the penalty may be recovered by the county in a civil action in the nature of debt. A civil penalty may not be appealed to the Board of Adjustment if the offender was sent a final notice of violation in accordance with Article 151.568 and did not take an appeal to the Board of Adjustment within the prescribed time.

3. This Ordinance may also be enforced by any appropriate equitable action.
4. Each day that any violation continues after notification by the administrator that such violation exists shall be considered a separate offense for purposes of the penalties and remedies specified in this section.
5. Any one, all or any combination of the foregoing penalties and remedies may be used to enforce this Ordinance.

Article IV. Severability

If any language in this Ordinance is found to be invalid by a court of competent jurisdiction or other entity having such legal authority, then only the specific language held to be invalid shall be affected and all other language shall be in full force and effect.

Article V. Effective Date

This Ordinance is effective upon adoption.

Adopted by the Board of Commissioners for the County of Camden this 21st day of April, 2008.

County of Camden

Jeffrey B. Jennings, Chairman
Camden County Board of Commissioners

ATTEST:

Ava Gurganus
Clerk to the Board

(SEAL)

1st BOARD OF EQUALIZATION AND REVIEW

Chairman Jeffrey Jennings recessed the Board of Commissioners meeting and convened the Board of Equalization and Review at 7:35 p.m.

Marshall Powell, 121 Horseshoe Road, appealed his property tax value due to the property is too high off road and timber land that has been harvested.

Chairman Jeffrey Jennings recessed the Board of Equalization and Review and reconvened the Board of Commissioners meeting at 7:39 p.m.

Commissioner's Report

Commissioner Philip Faison reported on attending the Library Board meeting.

Chairman Jeffrey Jennings reported on attending the Jail Commission meeting.

County Manager's Report

County Manager Randell Woodruff reported on the following:

- An important meeting regarding stormwater is scheduled for April 23, 2008 in Raleigh that the County Manager will be attending at the Legislative Building and encouraged a Commissioner to attend also.
- Currently in process of renegotiate EMS Contract but the contract is on hold due to waiting to see how Pasquotank will handle the proceeds from the sale of the Dare County property.

2nd BOARD OF EQUALIZATION AND REVIEW

Chairman Jeffrey Jennings recessed the Board of Commissioners meeting and convened the Board of Equalization and Review at 7:45 p.m.

Stacy Riggs, 213 Texas Road, spoke for Dawn Riggs Harrington appealed her property tax value due to the portion of land is low and wetlands.

Chairman Jeffrey Jennings recessed the Board of Equalization and Review and reconvened the Board of Commissioners meeting at 7:53 p.m.

Closed Session

Commissioner Philip Faison made a motion to go into closed session pursuant to G.S. 143-318.11(a)(3) for the purpose of consultation with the County Attorney. The motion passed with Commissioners Melvin Jeralds, Philip Faison, Sandy Duckwall, Mike Andrews and Chairman Jeffrey Jennings voting aye, no Commissioner voting no; no Commissioner absent; and no Commissioner not voting.

The Commissioners entered closed session at 7:53 p.m.

Commissioner Melvin Jeralds made a motion to come out of closed session and back into regular session. The motion passed with Commissioners Melvin Jeralds, Philip Faison, Sandy Duckwall, Mike Andrews and Chairman Jeffrey Jennings voting aye, no Commissioner voting no; no Commissioner absent; and no Commissioner not voting. The Commissioners entered regular session at 8:14 p.m.

Adjournment

Commissioner Philip Faison made a motion to adjourn the Commissioners regular meeting. The motion passed with Commissioners Melvin Jeralds, Philip Faison, Sandy Duckwall, Mike Andrews and Chairman Jeffrey Jennings voting aye, no Commissioner voting no; no Commissioner absent; and no Commissioner not voting.

The meeting adjourned at 8:16 p.m.

3rd BOARD OF EQUALIZATION AND REVIEW

Chairman Jeffrey Jennings recessed the Board of Commissioners meeting and convened the Board of Equalization and Review at 8:16 p.m.

Sandra Richardson, 185 Wickham Road, appealed her property tax value due to acreage is listed incorrectly.

Lola Marie Richardson, 183 Wickham Road, appealed her property tax value of 5.5 acres because there is no driveway to access the property and appealed the value of her home.

Set Meeting Date

Hearing no objections, Chairman Jeffrey Jennings set the next Board of Equalization and Review for Monday, May 12, 2008 at 6:00 p.m.

Recess

Chairman Jeffrey Jennings recessed the Board of Equalization and Review until Monday, May 5, 2008.

Jeffrey B. Jennings, Chairman
Camden County Board of Commissioners

ATTEST:

Ava J. Gurganus, Clerk to the Board